

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:16 CR 164 CEJ/PLC
)	
OZELL SYKES,)	
)	
Defendant.)	

**GOVERNMENT’S RESONSE TO DEFENDANT’S MOTION FOR REVOCATION OF
THE MAGISTRATE COURT’S DETENTION ORDER**

Comes now the United States of America, by and through its attorneys, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and John T. Bird, Assistant United States Attorney for said District, and for its’ Response to Defendant’s Motion for Revocation of the Magistrate Court’s Detention Order, states as follows:

1. The Government moved for Defendant’s pre-trial detention on the grounds that Defendant is a flight risk and a threat to the community.
2. The Magistrate Court held a pre-trial detention hearing on August 4, 2016. Defendant was represented by counsel. A Pretrial Services Report (Report) dated August 3, 2016 was provided to both parties. Defendant did not dispute the facts set forth in the Report. The Report recommended Defendant’s detention pending trial in the above matter. The Magistrate Court ordered Defendant detained.
3. The Government believes that Defendant presents a danger to the community. By way of proffer, the Government states that on Saturday, January 30, 2016 at approximately 5:30 p.m., witness B.J. was on a front porch in the 5000 block of Mardel and hears two people arguing. Witness B.J. observes Defendant exit the front door of 5018 Mardel (the residence), point a gun across the street and fire it. Defendant is then observed to enter the residence and two additional

gun shots are heard. Witness B.J. is one of several callers to 911. St. Louis Metropolitan police officers respond and locate Defendant on the front porch of 5018 Mardel arguing with an unknown individual inside the residence. Defendant is noted to be drunk and a spent .32 caliber shell casing is observed on the front porch. Defendant denies any knowledge of shots being fired. A protective search of Defendant reveals a gun magazine containing seven (7) live .32 caliber rounds of ammunition in his jacket pocket. Officers look inside the opened front door to the residence and observe an additional spent .32 caliber shell casing and bullet damage to the front door frame. Witness N.H. is located sitting in a chair in the living room. Witness N.H. is asked to exit the apartment. Witness N.H. tells the officers that a gun is located under the mattress. The officers respond to the bedroom and locate a loaded Carl Walther make, .32 caliber semi-automatic pistol under the mattress. Defendant is arrested and placed in a transport van. Defendant is noted to be combative with the officers and made a threatening statement to witness N.H. While inside the transport van, Defendant admitted to possession of the firearm and firing it.

4. Defendant has multiple prior convictions, including a conviction at age 34 for Aggravated Criminal Sexual Abuse involving a victim who was under the age of 13 at the time.

5. Defendant has a significant arrest history which includes: Assault 1st, Armed Criminal Action, Unlawful Possession of a Firearm, Unlawful Use of a Firearm while Intoxicated, Assault, Parole violation, Possession of a Controlled Substance, Failure to Register as a Sex Offender and Escape.

6. There is a serious risk that the defendant will flee or not make his scheduled court appearances. According to the Report, Defendant has moved in the past and failed to notify the Illinois Sex Offender registration program. Defendant was subsequently convicted of this offense and sentenced to 1 year of incarceration. Defendant has a history of substance abuse, including

his daily use of alcohol. Defendant has a prior arrest for Escape.

WHEREFORE, the Government requests this Court to enter an Order detaining Defendant prior to trial.

RICHARD G. CALLAHAN
United States Attorney

s/ John T. Bird
JOHN T. BIRD (#37802MO)
Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above and foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system this 12th day of September, 2016, to Charles Banks, Federal Public Defender, 1010 Market Street, Suite 200, St. Louis, MO 63101.

s/ John T. Bird
ASSISTANT UNITED STATES ATTORNEY